



Michael R. Friedman
Tel 212.801.6566
friedmanm@gtlaw.com

November 29, 2021

VIA ECF

Magistrate Judge Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *JBrick, LLC v. Chazak Kinder Inc., Chazak Distribution, Inc., Toys 2 Discover, Inc., and Yaacov Schwartz*, No. 1:21-cv-02883-DG-RLM

Dear Magistrate Judge Mann:

Pursuant to Your Honor's Individual Practice Rules, the parties in the above-referenced action submit this joint motion requesting the November 30, 2021 deadline to complete the mediation be stricken, as the parties' mediation and settlement efforts have failed to resolve the dispute underlying this lawsuit. The parties expect to resume litigation for the present action, and request that the proceeding resume.

On August 10, 2021, following the Initial Conference Hearing, the Court referred the proceeding to court-annexed mediation, to be completed by September 30, 2021. (Dkt. No. 26). Following the Court's extension of the mediation deadline to November 30, 2021 (Dkt. No. 28), the parties selected the Honorable Sidney Schenkier to act as mediator in this case, with a mediation scheduled for November 19, 2021.

The prospect of the mediation pushed the parties to exchange information and discuss a possible negotiated resolution in this matter prior to the scheduled mediation date. However, following numerous discussions and exchanges of proposals, the parties now confirm that they have reached an impasse. Moreover, based on those discussions, the parties now believe that any further mediation of this dispute at the present time would be unlikely to yield a different result. Therefore, the parties agreed not to proceed with the scheduled mediation, because the costs of doing so appeared to outweigh the likely benefit. Accordingly, the mediation session that had been scheduled for November 19 did not go forward, and the parties hereby propose the following schedule to proceed with litigating this case:

Greenberg Traurig, LLP | Attorneys at Law

77 West Wacker Drive | Suite 3100 | Chicago, Illinois 60601 | T +1 312.456.8400 | F +1 312.456.8435

Albany. Amsterdam. Atlanta. Austin. Berlin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London. Los Angeles. Mexico City. Miami. Milan. Minneapolis. Nashville. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul. Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv. Tokyo. Warsaw. Washington, D.C. West Palm Beach. Westchester County.

Operates as: *Greenberg Traurig Germany, LLP; *A separate UK registered legal entity; *Greenberg Traurig, S.C.; *Greenberg Traurig Santa Maria; *Greenberg Traurig LLP Foreign Legal Consultant Office; *A branch of Greenberg Traurig, P.A., Florida, USA; *GT Tokyo Horitsu Jimusho; *Greenberg Traurig Grzesiak sp.k.

Magistrate Judge Roanne L. Mann

November 29, 2021

Page 2

Event	Prior Deadline	New Deadline
Amendment of Pleadings and Addition of New Parties	November 10, 2021	March 4, 2022
Close of Fact Discovery	February 4, 2022	May 27, 2022
Close of Expert Discovery	N/A	August 19, 2022
Dispositive Motion	N/A	September 30, 2022

The parties submit that in view of the above, good cause exists to remove the deadline to complete the mediation, and respectfully request the proceeding be resumed, with the case deadlines being reset as outlined above.

Respectfully submitted,

Dated: November 29, 2021

Magistrate Judge Roanne L. Mann

November 29, 2021

Page 3

/Christopher W. Niro/

Christopher W. Niro

Admitted Pro Hac Vice

Maryam H. Arfeen

Admitted Pro Hac Vice

ARONBERG GOLDBERGER DAVIS &
GARMISA

330 N. Wabash Ave., Suite 1700

Chicago, IL 60611

(p) 312.828.9600

(f) 312.828.9635

cniro@agdgllaw.com

marfeen@agdgllaw.com

Alex G. Patchen

LISTON ABRAMSON LLP

The Chrysler Building

405 Lexington Ave, 46th Floor

New York, NY 10174

docket@listonabramson.com

Attorneys for Defendants/Counterclaim

Plaintiffs Chazak Kinder Inc., Chazak

Distribution, Inc., Toys 2 Discover, Inc., and

Yaacov Schwartz

/Michael R. Friedman/

Barry R. Horwitz

Admitted Pro Hac Vice

Michael R. Friedman

Admitted Pro Hac Vice

Katherine M. Cronin

Pro Hac Vice Admission to be sought

Greenberg Traurig, LLP

77 West Wacker Drive, Suite 3100

Chicago, IL 60601

horwitzb@gtlaw.com

friedmanm@gtlaw.com

cronink@gtlaw.com

Elana B. Araj

Greenberg Traurig, LLP

200 Park Ave

New York, NY 10166

araje@gtlaw.com

Attorneys for Plaintiff/Counterclaim

Defendant JBRICK, LLC

Magistrate Judge Roanne L. Mann

November 29, 2021

Page 4

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via CM/ECF on November 29, 2021.

/s Michael R. Friedman
